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Attacks on Principles, not Qualifications

**John Ashcroft: The Most Experienced
Attorney General Nominee — in U.S. History**

*"And I'll say to my colleagues, . . . if I can vote for Janet Reno,
you can vote for John Ashcroft."* [Senator Bob Smith, R-NH, 1/16/01]

As the confirmation hearings on Attorney General-designate John Ashcroft have unfolded, one fact has become abundantly clear: Democratic opposition to him is based *solely* on ideology. While his former colleagues in the Senate on both sides of the aisle uniformly praise his personal qualities (see RPC's "What His Colleagues Say About Nominee John Ashcroft," 1/17/01), criticism has centered on his conservative beliefs:

"Mr. Ashcroft, the former senator from Missouri, spoke as the Senate Judiciary Committee seemed badly frayed along party lines, with several Democratic senators harshly questioning their former colleague about whether his conservative views would improperly influence his actions at the Justice Department on civil rights and other issues." [New York Times, 1/17/01]

Two things are notable about this line of attack. First, Republican Senators did not use it against the nominations of the outgoing administration. For example, current Attorney General Janet Reno, who, on a host of issues — abortion, the death penalty*, guns, sexual orientation — is at least as liberal as John Ashcroft is conservative; yet she received the support of every single GOP Senator present and voting. [See RPC's RVA Vote No. 29, 103d Congress, 1st Session, 3/1/93.]

In his own voting record in the Senate, John Ashcroft demonstrated the principle consistently advocated by Republicans: that a president's nominees should be judged primarily by their qualifications for the jobs to which they have been appointed. Republicans have given great deference to a president's prerogative to appoint people with whom they are ideologically compatible. During Senator Ashcroft's six-year term as U.S. Senator (1995 - 2000), the Senate conducted 33 straight up-or-down confirmation roll call votes on Clinton non-judicial nominees.

Even though many held policy views differing sharply from his own, John Ashcroft voted in favor of 31 of them: an affirmative vote rate of 94 percent. (The two non-judicial nominees in which Senator Ashcroft voted in the negative were confirmed by the GOP-controlled Senate anyway; in addition, one sub-cabinet nominee was denied confirmation following two cloture votes.) Even including nominees for lifetime-tenure judgeships — for whom a more exacting examination of views might be expected— Senator Ashcroft's voting record (excluding procedural votes, such as cloture, motion to proceed, etc.) on Clinton nominees equates to a rate of 83 percent in favor, most of whom were approved in any case. And these statistics don't even count the large number of Clinton nominees who were approved by voice vote, without a roll call vote.

A Unique "Trifecta" of Qualifications

The second notable quality of the Democrats' ideological campaign against John Ashcroft is that they have chosen to direct it against the **most experienced Attorney General nominee in American history**. Of the 67 persons who have served in that office since the founding of the Republic, *only one* — John Ashcroft — has served as state attorney general (two terms), governor of his state (two terms), *and* U.S. Senator. (A few have held two of these three offices: past U.S. Attorneys General include one former state attorney general and governor; two former state attorneys general and U.S. Senators, and three former governors and U.S. Senators.)

Moreover, in each of these posts John Ashcroft served with distinction, being honored by his peers — the comparable officials of other states *of both parties* — with leadership positions. As Missouri Attorney General, John Ashcroft was elected President of the National Association of Attorneys General. As Missouri Governor, he was elected Chairman of the National Governors' Association. (If John Ashcroft's execution of these earlier public trusts was as far "out of the mainstream" as his critics now claim, *wouldn't his fellow state attorneys general or governors have noticed?* Would they, both Democrats and Republicans, have conferred the honor of leadership upon him?) And recently in the U.S. Senate, he chaired the Subcommittee on the Constitution of the same Committee on the Judiciary now considering his nomination.

Compare his experience to that of the Clinton/Gore incumbent. At the time Bill Clinton named Janet Reno the nation's chief law-enforcement official, she had held *none* of the three principal offices in which John Ashcroft has shown himself to be eminently qualified. When one Republican member of the Committee on the Judiciary challenged his Democratic colleagues — "If I can vote for Janet Reno, you can vote for John Ashcroft" — he wasn't challenging Senator Ashcroft's qualifications, which are beyond dispute. He was challenging *their* elementary sense of fairness.

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* For example, on the death penalty, which she has consistently said she opposes, Janet Reno holds a view that is decidedly to the left of not only Bill Clinton and Al Gore — both of whom are pro-death penalty — but of the large majority of the American public.